

LOCAL PLANNING AGENCY
MAY 10, 2006

1. ROLL CALL

The meeting was called to order at 7:30 p.m. Board members present were Chair Mike Bender, Vice-Chair Scott McLaughlin, Karen Stenzel-Nowicki, John Stevens and Mimi Turin. Also present were Town Attorney Monroe Kiar, Town Engineer/Assistant Development Services Director Larry Peters, Planning and Zoning Manager Bruce Dell, Planner David Abramson, and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: April 12, 2006

Mr. Stevens made a motion, seconded by Ms. Stenzel-Nowicki, to approve the minutes of April 12, 2006. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. PUBLIC HEARING

- 3.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12 CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT CODE", BY AMENDING ARTICLE XI THEREOF, ENTITLED "DEVELOPMENT REVIEW PROCEDURES", BY AMENDING DIVISION 4 THEREOF ENTITLED "DESIGN STANDARDS AND REQUIREMENTS", SEC. 12-330 BY CREATING ITEM "E" TO REQUIRE A MONETARY CONTRIBUTION TO THE TOWN LOCAL ROAD AND TRAFFIC CALMING IMPROVEMENT FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

Mr. Dell explained the intent of the ordinance. He advised that the Town's engineers were present to answer specific questions.

Chair Bender asked if it was a "blanket" charge for homeowners as well as developers. Mr. Dell referred him to the fee schedule which was different for industrial, commercial and residential.

Ms. Turin asked if this was an automatic fee to address the road system or was it being done because it may be determined to be a project that may have an adverse impact on the local roads and the way to avoid that would be by paying into this fund. Mr. Dell's assumption was that every development would have some impact and this was a way for the Town to "recoup" that fee to help address some of the local road situations. Ms. Turin indicated that it was one thing to "recoup" and another to circumvent and allow any project as long as money was given for whatever amount of parking spaces, and she needed to know the distinction.

Mr. Peters indicated that this would not change any of the requirements for parking. He advised that Broward County used to do a concurrency and, therefore, would find out what improvements were needed within a two mile radius. Now, that calculated concurrency went towards transit and there was no money to improve local roads. Mr. Peters indicated that although the fee schedule addressed single-family homes, it was not the intent to charge for an individual single-family homeowner. It was the rate for a developer who was building many single-family homes. He advised that if this ordinance was not imposed, there would be nothing for traffic calming or roadway improvements.

Ms. Turin asked who would determine how the funds would be used and where the traffic calming installations would go. Mr. Peters responded that staff would advise Council to make those decisions.

Vice-Chair McLaughlin did not find any language in the ordinance addressing a time frame in which the funds should be distributed or utilized. He asked if the current monies were being utilized effectively or if it was "sitting in the bank doing nothing." Mr. Peters indicated that the Town had been collecting funds for approximately one year. Other than one speed hump in Ivanhoe, the monies have not been expended. Vice-Chair McLaughlin asked what the approximate amount of money was in that account. Mr. Peters estimated that it was approximately \$140,000 and that there was a need for this.

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Vice-Chair McLaughlin opined that if the Town did not utilize the money, why collect it. He believed that the ordinance should include a time frame of when the money should be utilized. Mr. Peters responded that he was in total agreement and welcomed suggestions.

Chair Bender opined that this was a tax on top of a tax and was not comfortable with the concept.

Ms. Stenzel-Nowicki had some experience with applying for a neighborhood speed hump and asked if this ordinance was separate from that application process and fee. Mr. Peters responded that it was a separate fund.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Ms. Turin spoke of the changes which needed to be made to the ordinance and suggested that they be incorporated into any motion. Vice-Chair McLaughlin was at a crossroad because he knew it was needed; however, he did not believe that the Town should be collecting money if it was not going to be spent. Vice-Chair McLaughlin spoke of an acceptable scenario which he would be able to support, but he could not see adding another fee for something that the Town was not using.

Chair Bender indicated that this was what the Town's budget was for and that \$500 for a family to contribute was one more thing and in some cases, too much. Mr. Peters responded that the ordinance could be worded to exclude the single-family homeowner since it was not the intent to include them. Ms. Turin made the point that even with the developers, the costs were usually passed on to tenants or home buyers, not taken from profits. Chair Bender was concerned with chasing away good developers by adding more and more fees.

Vice-Chair McLaughlin had Mr. Peters clarify that the funds were specifically for safety features and traffic calming and not for general maintenance. Mr. Peters responded affirmatively.

A lengthy discussion ensued when it was realized that these fees were being collected as a matter of policy without having been codified in the Code. Another concern regarded changing the language to exclude the owner/developer of a single-family home. Chair Bender maintained that while he was all for traffic calming, this was one department within the Town and what was there to prevent other departments from devising the same policy in order to fund their needs and "charge taxes by ordinance." Mr. Dell explained that it had been a fee that the Town received from the County which the Town was no longer receiving. Mr. Peters expressed that he did not know how the money was planned to be expended; whether it was to be divided by four districts or if the needs would be prioritized then accomplished one at a time.

Vice-Chair McLaughlin indicated that he would be willing to table the item so that Mr. Peters and staff could meet with the Town Attorney and Development Services Director to see if they could create a better plan that the Agency could be comfortable with recommending.

Vice-Chair McLaughlin made a motion, seconded by Mr. Stevens, to table this item until such time as the Town resubmits. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Ms. Stenzel-Nowicki – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 5-0)**

- 3.2 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING CHAPTER 12, CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT CODE", BY AMENDING ARTICLE XI THEREOF, ENTITLED "DEVELOPMENT REVIEW PROCEDURES", BY AMENDING DIVISION 3 THEREOF ENTITLED "IMPROVEMENTS", SEC. 12-329 BY REVISING TEXT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

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Mr. Dell explained the intent of the ordinance which was to clarify Section 12-329 of the Land Development Code; specifically, the infrastructure improvement bond requirement.

There was considerable discussion in an effort to be certain that the bonds pertained to infrastructure improvements. Agency members made recommendations for specific phrasing in the text which was noted by staff.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Since the infrastructure improvement bond went from discretionary to mandatory, a discussion ensued regarding the wording in the text to provide for a waiver at the Council's discretion. This issue was not resolved; however, Mr. Dell read the two changes which were recommended by Agency members.

Mr. Stevens made a motion, seconded by Ms. Stenzel-Nowicki, to approve subject to the revisions as discussed. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Ms. Stenzel-Nowicki – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 5-0)**

4. OLD BUSINESS

There was no old business discussed.

5. NEW BUSINESS

There was no new business discussed.

6. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

7. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 8:43 p.m.

Date Approved: _____

Chair/Agency Member